

REMARKS

Status of the Claims

Claims 1-5 and 7-10 are pending and claims 17-21 are withdrawn.

Claims 14-16 and 22-25 are canceled.

Claims 1-10 are rejected under 35 USC 103(a).

Interview Summary

The rejection of the claims under 103(a), and specifically the nature of the Choi-Siedeski linker pending off the nitrogen of the N-pyrrolidinyl ring was discussed. Applicant pointed out that none of the Choi-Siedeski exemplified compounds describe Applicant's compounds, particularly in the structure of the aforementioned linker. No agreement was reached.

Rejection under 35 USC 103(b)

The Examiner has renewed his rejection of claims 1-5 and 9-10 over Choi-Siedeski, (WO99/62904) in view of with Patani (Chem Rev. 1996, 3147-3176) and In re Wood (199 USPQ 137) contending that Applicant's compounds are obvious over the combination of references.

In his Advisory Action of August 24, 2007, the Examiner stated that the Applicants had not presented exactly how Applicant's linker cannot be that as described in the rejection. In response, Applicants present with this amendment an Examination Support Document ("ESD") listing the chemical structures of compounds mentioned in the Choi-Siedeski application that are associated with biological activity (thereby eliminating intermediate compounds and reagents listed in the application).

The ESD easily demonstrates that none of the Choi-Siedeski compounds has an N-linker that describes Applicant's linker, $-\text{CHR}^{16}\text{NR}^{17}-(\text{CR}^6\text{R}^7)(\text{CR}^{12}\text{R}^3)-$, where m and l are 0. Rather, the majority of the Choi-Siedeski compounds do not contain any nitrogen atom at all in their linker. Those compounds that do have nitrogen in the linker have the nitrogen atom linked directly to the heterocyclic moiety pending from the end of the linker. In contrast, Applicant's linkers do not describe a direct nitrogen linkage to the aryl ring pending from the end of their linker, but instead require a carbon atom attachment to the aryl ring. Thus, the teaching of Choi-Siedeski actually directs one of skill away from trying Applicant's linkers. No combination of Patani or In re Wood supply this deficiency.

In summary, as described in the last office action, the Choi-Siedeski compounds differ in at least three respects from the presently claimed invention and cannot not render Applicant's compounds obvious. Applicant therefore respectfully requests withdrawal of the rejection under 35 USC 103(b) over the combination of the aforementioned references and entry of the August 13th amendment. Applicants submit that the application is now in condition for allowance. Early notification of such action is requested.

FEES

No fees should be due. However, if it is determined that a fee is due, please charge same to Deposit Account No. 19-3880 in the name of Bristol-Myers Squibb Company.

Respectfully Submitted,
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